



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1861

FACSIMILE
(213) 229-9924

TDD
(213) 633-0901


E-MAIL
pwu@counsel.lacounty.gov

MARY C. WICKHAM
Interim County Counsel

June 25, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Frank Martinez v. County of Los Angeles, et al.
United States District Court Case No. CV 13-03825

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Frank Martinez v. County of Los Angeles, et al., United States District Court Case No. CV 13-03825 in the amount of \$190,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Frank Martinez v. County of Los Angeles
CASE NUMBER	CV 13-03825
COURT	United States District Court
DATE FILED	May 29, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 190,000
ATTORNEY FOR PLAINTIFF	V. James DeSimone Schonbrun, DeSimone, Seplow, Harris Hoffman & Harrison, LLP
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$190,000, the lawsuit filed by Plaintiff Frank Martinez alleging excessive force by Los Angeles County Sheriff's Deputies. The Deputies contend that the force used was reasonable and in response to Mr. Martinez's resistance.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$190,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 197,086
PAID COSTS, TO DATE	\$ 12,812

Case Name: Frank Martinez v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Tuesday, June 7, 2011; approximately 5:50 p.m.
Briefly provide a description of the incident/event:	<p><u>Frank Martinez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2015-004</p> <p>On Tuesday, June 7, 2011, at approximately 5:50 p.m., a uniformed Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Temple Station, detained the plaintiff for a violation of California Vehicle Code Section 22108, Duration of signal.</p> <p>In attempting to lawfully induce the plaintiff to step out of the vehicle, a violent confrontation ensued. The deputy sheriff requested backup, and another deputy sheriff assigned to the Los Angeles County Sheriff's Department's Temple Station arrived at the location. The two deputy sheriffs used physical force to overcome the resistance and assaultive behavior offered by the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and subsequently taken into custody.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged he was subjected to excessive physical force and federal civil rights violations committed by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Temple Sheriff's Station. The investigation concluded that the actions employed and the force used by the deputy sheriffs were necessary, reasonable, and within Department policy and guidelines.

County of Los Angeles
Summary Corrective Action Plan

The incident was also thoroughly reviewed by representatives of the Los Angeles County Sheriff's Department's Risk Management Bureau. The review revealed that even though the plaintiff's minor son was placed in the care of relatives at the time of the plaintiff's arrest, this was not documented.

No employee misconduct is suspected. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

On December 12, 2013, the Los Angeles County Sheriff's Department implemented Manual of Policy and Procedures Section 5-03/026.00, *Arrested Person's Children Form (SH-R-625)*, designed to document the measures taken to ensure the welfare of children in the care of arrested persons.

On January 21, 2015, the Los Angeles County Sheriff's Department's Risk Management Bureau revised and republished Field Operations Support Services Newsletter 12-03, *Supervisors Interviewing a Suspect in a Use of Force Incident*, designed to outline specific techniques to interview the participants, document the scene, and investigate the events of a use of force, to provide for a more thorough and objective examination of the incident in question.

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

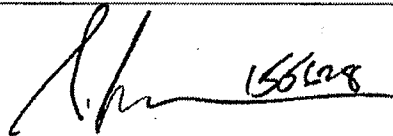
☐ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



Date:

5-27-15

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

6/2/15

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:

Destiny Castro

Date:

6/4/2015